

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

<b>GARRET SITTS, et al.,</b>  <b>Plaintiffs,</b>  <b>v.</b>  <b>DAIRY FARMERS OF AMERICA, INC. and</b> <b>DAIRY MARKETING SERVICES, LLC,</b>  <b>Defendants.</b>	<b>Civil Action No. 2:16-cv-00287-cr</b>
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**DECLARATION OF W. TODD MILLER**

I, W. Todd Miller, do declare and state as follows:

1. I am a partner with the law firm of Baker & Miller PLLC, which has been retained by Dairy Farmers of America, Inc. and Dairy Marketing Services, LLC (collectively "DFA") in connection with this Action. I submit this declaration in support of DFA's concurrently filed Motion *In Limine* No. 9: To Preclude Evidence and Argument That DFA is Not an Agricultural Cooperative Operated for the Mutual Benefit of Its Members Under the Capper-Volstead Act.

2. Attached as Exhibit 1 is a true and accurate copy of the USDA's 1968 certification that Mid-America Dairymen is a cooperative marketing association qualified under the provisions of the Capper-Volstead Act, a determination required under the USDA's regulations implementing the Agricultural Marketing Agreement Act of 1937.

3. Attached as Exhibit 2 is a true and accurate copy of the USDA's 1998 certification that Mid-America Dairymen, after changing its name to DFA, continues to be a cooperative marketing association qualified under the provisions of the Capper-Volstead Act, a determination required under the USDA's regulations implementing the Agricultural Marketing Agreement Act of 1937.

4. Attached as Exhibit 3 is a true and accurate copy of the USDA's List of Cooperative Milk Marketing Associations Holding Determinations of Qualification Under the Agricultural Marketing Agreement Act of 1937, as amended as of May 27, 2020, showing DFA's current qualification. The USDA's full list is available at <https://www.ams.usda.gov/sites/default/files/media/QualifiedCooperativeMilkMarketingAssociations.pdf> (retrieved June 14, 2020).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Linda M. [unclear]".

Dated: June 15, 2020